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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT LEMKE,

Defendant.

Case No.: CR 21-MJ-70156-AGT (LB)

**MOTION TO STRIKE LETTER
FROM GOVERNMENT DATED
FEBRUARY 11, 2021**

ARGUMENT

Contrary to the Local Rules of the Northern District of California, the government – that is, an Assistant United States Attorney from the Southern District of New York who has not yet even made an appearance as counsel of record in this case – has filed a request for reconsideration of this Court’s prior order without first obtaining the necessary leave of the Court and in the improper form of a letter. *Cf.* N.D. Cal. Civ. L.R. 7-9. Specifically, the government asks this Court to vacate the further detention hearing set for consideration of information from a mental health expert retained by the defense and from the New Bridge residential drug and alcohol treatment program, based upon an evaluation which the Court directed Pretrial Services to arrange.

The government does not provide any meaningful explanation for its oddly presumptuous and procedurally deficient approach here, which plainly prejudices the substantial rights of the defendant charged as Robert Lemke. Accordingly, the Court should strike the letter from the record and otherwise disregard it. Instead, the Court should proceed as previously ordered with a further detention hearing on Monday, February 22, 2021, as well as a status regarding identity. *See* Minute Order (Docket #6) (filed Feb, 1, 2021).

Respectfully submitted,

Dated: February 11, 2021

STEVEN KALAR
Federal Public Defender
Northern District of California

/S

DANIEL P. BLANK
Assistant Federal Public Defender